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PATENT APPLICATION

Docket No. 8514-100

Indivos Ref. No. ST-A14

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ned HOFFMAN, et al.

Serial No. 09/215,058 Examiner: James W. MYHRE

Confirmation No. 7856

Filed: December 17, 1998 Group Art Unit: 3622

For: TOKENLESS FINANCIAL ACCESS SYSTEM

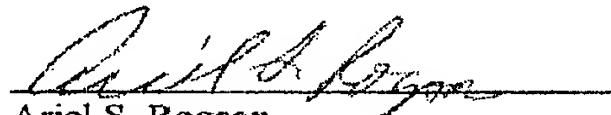
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450LETTER TO THE EXAMINER

In response to the double patenting rejection in the Final rejection dated July 21, 2004, and further applicant's Appeal Brief filed November 22, 2004, applicant hereby submits a Terminal Disclaimer executed by an officer of Indivos Corporation.

Form PTO 2038 authorizing charges in the amount of \$65 for the small entity disclaimer fee under 37 CFR 1.20(d) is also attached.

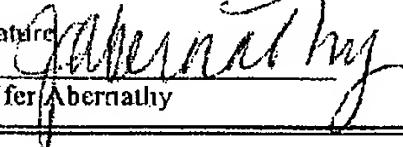
Respectfully submitted,

MARGER JOHNSON &amp; McCOLLOM, P.C.

  
Ariel S. Rogson  
Reg. No. 43,054

MARGER JOHNSON & McCOLLOM, P.C.  
1030 SW Morrison Street  
Portland, OR 97205  
503-222-3613  
Customer No. 20575

I hereby certify that this correspondence  
is being transmitted to the U.S. Patent and  
Trademark Office via facsimile number  
(703) 872-9306, on January 5, 2005.

Signature   
Jennifer Abernathy

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PATENT APPLICATION  
Do. No. 8514-100 (ST-A14)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ned Hoffman; David Ferrin Pare, Jr.; Philip Dean Lapsley;  
and Jonathan Alexander Lee

Serial No. 09/215,058 Examiner: Myhre, James W.

Filed: December 17, 1998 Group Art Unit: 3622

For: TOKENLESS FINANCIAL ACCESS SYSTEM

Confirmation No.: 7856

Commissioner for Patents  
P.O. Box 1450  
Arlington, Virginia 22313-1450

TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE  
PATENTING REJECTION OVER A "PRIOR" PATENT

I, DUNCAN HATCH, Secretary of INDIVOS CORPORATION, formerly known as  
VERISTAR CORPORATION, a Delaware corporation, formerly known as SMARTTOUCH,  
INC., a Delaware corporation, (assignee), having a place of business at One Market Street, Suite  
700, San Francisco, California 94105, assignee of the entire right, title and interest of the above-  
described U.S. patent application no. 09/215,058, filed December 17, 1998, for TOKENLESS  
FINANCIAL ACCESS SYSTEM, by assignment from the inventors to SMARTTOUCH, INC.  
recorded in Reel/Frame 012722/0900 (5 pages) on March 22, 2002, with subsequent name  
changes from SMARTTOUCH, INC. to VERISTAR CORPORATION recorded in Reel/Frame  
012786/0440 (21 pages) on March 22, 2002, and VERISTAR CORPORATION to INDIVOS  
CORPORATION recorded in Reel/Frame 012786/0432 (3 pages) on March 22, 2002, represent  
that I am empowered to sign on behalf of assignee.

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I hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 5,870,723 as the term of said prior patent as defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Attached is the fee prescribed under 37 CFR 1.20(d).

INDIVOS CORPORATION,  
a Delaware corporation

By   
Duncan Hatch  
Secretary

Dated: 12/16/04